

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

Case No. 4:22-cv-00098-M

JEFFERY PRICE,

Plaintiff/Claimant,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

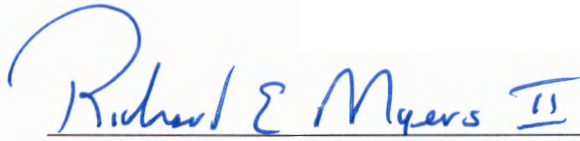
ORDER

This matter comes before the court on the parties' cross-motions for judgment on the pleadings [DE 19, 22]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert B. Jones, Jr. entered a memorandum and recommendation ("M&R") [DE 25], recommending that the court grant Defendant's motion for judgment on the pleadings [DE 22]; deny Plaintiff's motion for judgment on the pleadings [DE 19]; and affirm the Acting Commissioner's determination. To date, no objections have been filed.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Defendant's Motion for Judgment on the Pleadings [DE 22] is GRANTED, and Plaintiff's Motion for Judgment on the Pleadings [DE 19] is DENIED. The determination of the Acting Commissioner is AFFIRMED.

SO ORDERED this 31st day of October, 2023.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE